

AMENDED IN SENATE JANUARY 11, 2012

AMENDED IN SENATE JANUARY 4, 2012

**SENATE BILL**

**No. 352**

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**Introduced by Senator Huff**

February 15, 2011

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An act to add Sections 1006 and 1007 to the Business and Professions Code, relating to chiropractors.

LEGISLATIVE COUNSEL'S DIGEST

SB 352, as amended, Huff. Chiropractors.

Existing law, the Chiropractic Act, enacted by initiative act, provides for the licensure and regulation of chiropractors by the State Board of Chiropractic Examiners. Under the act, a license authorizes its holder to practice chiropractic as taught in chiropractic schools or colleges but does not authorize its holder to practice medicine, surgery, osteopathy, dentistry, or optometry.

Existing law prohibits a chiropractor, among other healing arts practitioners, from disseminating any form of public communications containing a false, fraudulent, misleading, or deceptive statement for the purpose of inducing the rendering of professional services, as specified.

This bill would specify that the practice of chiropractic does not include the treatment—~~or diagnosis~~ of hypersensitivity to foods, medications, environmental allergens, or venoms, and would prohibit a chiropractor from advertising that he or she provides or is able to provide those services, as specified. The bill would specify that a violation of these provisions constitutes a cause for discipline by the State Board of Chiropractic Examiners.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature hereby finds and declares the  
2 following:

3 (a) The law governing practitioners of chiropractic is an  
4 initiative statute known as the Chiropractic Act that was originally  
5 approved by the electorate on November 7, 1922.

6 (b) The scope of practice authorized by the Chiropractic Act  
7 does not extend beyond the scope of the term “chiropractic” as it  
8 was understood and defined in 1922. In addition, the Chiropractic  
9 Act prohibits a chiropractor from engaging in the practice of  
10 medicine.

11 (c) As it was understood in 1922, the term “chiropractic” did  
12 not include the treatment or diagnosis of hypersensitivity to foods,  
13 medications, environmental allergens, or venoms. Furthermore,  
14 those services constitute the practice of medicine. Therefore, the  
15 Chiropractic Act does not authorize licensees to provide those  
16 services.

17 SEC. 2. Section 1006 is added to the Business and Professions  
18 Code, to read:

19 1006. (a) The practice of chiropractic does not include the  
20 treatment or diagnosis of hypersensitivity to foods, medications,  
21 environmental allergens, or venoms, including, but not limited to,  
22 the use of laser therapy for those purposes.

23 (b) A violation of this section shall constitute a cause for  
24 discipline by the State Board of Chiropractic Examiners. For  
25 purposes of this subdivision, the board shall have the same powers  
26 of suspension, revocation, and discipline as authorized by the  
27 initiative measure referred to in Section 1000.

28 SEC. 3. Section 1007 is added to the Business and Professions  
29 Code, to read:

30 1007. (a) A person licensed by the State Board of Chiropractic  
31 Examiners under the Chiropractic Act shall not advertise that he  
32 or she provides or is able to provide the services described in  
33 Section 1006, unless that person holds another license under this  
34 division that authorizes the person to provide those services.

1 (b) For purposes of this section, “advertise” includes, but is not  
2 limited to, the issuance of any card, sign, or device to any person,  
3 or the causing, permitting, or allowing of any sign or marking on,  
4 or in, any building or structure, or in any newspaper or magazine  
5 or in any directory, or any printed matter whatsoever, with or  
6 without any limiting qualification. It also includes business  
7 solicitations communicated by radio or television broadcasting.

8 (c) A violation of this section shall constitute a cause for  
9 discipline by the State Board of Chiropractic Examiners. For  
10 purposes of this subdivision, the board shall have the same powers  
11 of suspension, revocation, and discipline as authorized by the  
12 initiative measure referred to in Section 1000.

13 SEC. 4. The provisions of this act are severable. If any  
14 provision of this act or its application is held invalid, that invalidity  
15 shall not affect other provisions or applications that can be given  
16 effect without the invalid provision or application.